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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,873	09/23/1999	Stuart Serkin	09857/029001	5264
26161	7590	10/27/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			JAKETIC, BRYAN J	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,873

Applicant(s)

SERKIN ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 4, 5, 14-17, 20-22, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al in view of Rai et al. Korhammer et al disclose a collector facility (100) for an electronic market comprising an interface (see Fig. 2) for coupling order delivery systems (50, 51, 52, 53, and 54) to the order collector facility and a quote manager that manages quotes received at multiple price levels and a montage manager that displays an aggregate montage or a current quote montage at multiple price levels (see Fig. 5 and col. 9, lines 9-25). The interface couples the SelectNet negotiation system (604) and execution systems (see col. 5, lines 58-66).

Korhammer et al do not disclose a common interface to provide a single, common point of entry for coupling systems. However, Rai et al teach the step of replacing a multiple entry points with a single, common entry point for multiple systems (col. 47, line 45 through col. 48, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Rai et al with the invention of Korhammer et al to provide a single, common point of entry to streamline the system.

Claims 7-13, 18, 19, 23-25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al and Rai et al as applied to claims 1 and 14

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above, and further in view of Smith. Korhammer et al and Rai et al teach all of the limitations of the claims except for the step of time stamping orders and quotes. Smith et al teach an order execution manager that executes orders at a single point according to price-time priority (p. 33, middle paragraph). It is inherent that the orders are time-stamped so that they may be filled in price-time priority. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the method of Smith et al with the invention of Korhammer et al and Rai et al because it is equitable to execute orders according to price-time priority.

Korhammer et al and Rai et al also fail to teach the steps of executing against all displayed sizes of market participants in time priority, and executing any balance against displayed size of non-participants in time priority, or moving to a next price level after a predefined delay if an order is not filled. However, these are common practices in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the practice of executing against all displayed sizes of market participants in time priority, and executing any balance against displayed size of non-participants in time priority to conform to standard practice. Likewise, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the practice of moving to a next price level after a predefined delay if an order is not filled to conform to standard practice.

Response to Arguments

3. Applicant's arguments filed 9 September 2003 have been fully considered but they are not persuasive. Applicant argues that Korhammer et al do not teach that all received orders are provided a single point for delivery of executions. Examiner concedes this point. Applicant further argues that Rai et al do not teach that all received orders are provided a single point of execution. Examiner concedes that Rai et al do not speak to the execution of orders. However, Rai et al do disclose network architecture for providing a single access point for communication from multiple end systems. Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Rai et al with the invention of Korhammer et al to provide a single, common point of entry to streamline the system.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj

A handwritten signature in black ink, appearing to read "Bryan Jaketic", written in a cursive style.